

(as submitted with the budget of the President under section 1105(a) of title 31, United States Code) need not include such assessment; and

(2) the Director of Operational Test and Evaluation shall submit the assessment to the Committees on Armed Services of the Senate and the House of Representatives not later than July 31, 2004.

Mr. REED. I ask unanimous consent to add as cosponsors Senators FEINGOLD and FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 711, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER (Mr. WARNER). The Senator has that right.

The amendment is so modified.

The amendment (No. 711), as modified, is as follows:

Strike section 223, and insert the following:

SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE CRITERIA, AND OPERATIONAL TEST PLANS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) PROCUREMENT.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 223 the following new section:

“§223a. Ballistic missile defense programs: procurement

“(a) BUDGET JUSTIFICATION MATERIALS.—(1) In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall specify, for each ballistic missile defense system element, the following information:

“(A) For each ballistic missile defense element for which the Missile Defense Agency is engaged in planning for production and initial fielding, the following information:

“(i) The production rate capabilities of the production facilities planned to be used.

“(ii) The potential date of availability of the element for initial fielding.

“(iii) The expected costs of the initial production and fielding planned for the element.

“(iv) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

“(B) The performance criteria prescribed under subsection (b).

“(2) The information provided under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex as necessary.

“(b) PERFORMANCE CRITERIA.—(1) The Director of the Missile Defense Agency shall prescribe measurable performance criteria for all planned development phases (known as “blocks”) of the ballistic missile defense system and each of its elements. The performance criteria may be updated as necessary while the program and any follow-on program remain in development.

“(2) The performance criteria prescribed for a block under paragraph (1) shall include one or more criteria that specifically describe, in relation to that block, the intended effectiveness against foreign adversary capabilities, including a description of countermeasures, for which the system is being designed as a defense.

“(c) OPERATIONAL TEST PLANS.—The Director of Operational Test and Evaluation, in consultation with the Director of the Missile Defense Agency, shall establish and approve

for each ballistic missile defense system element appropriate plans and schedules for operational testing. The test plans shall include an estimate of when successful performance of the element in accordance with each performance criterion is to be verified by operational testing. The test plans for a program may be updated as necessary while the program and any follow-on program remain in development.

“(d) ANNUAL TESTING PROGRESS.—The annual report of the Director of Operational Test and Evaluation required under section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2431 note) shall include the following:

“(1) The test plans established under subsection (c); and

“(2) An assessment of the progress being made toward verifying through operational testing the performance of the system under a missile defense system program as measured by the performance criteria prescribed for the program under subsection (b).

“(e) FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress each year under section 221 of this title shall include an estimate of the amount necessary for procurement for each ballistic missile defense system element, together with a discussion of the underlying factors and reasoning justifying the estimate.”.

(2) The table of contents at the beginning of such chapter 9 is amended by inserting after the item relating to section 223 the following new item:

“223a. Ballistic missile defense programs: procurement.”.

(b) EXCEPTION FOR FIRST ASSESSMENT.—The first assessment required under subsection (d) of section 223a of title 10, United States Code (as added by subsection (a)), shall be an interim assessment submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than July 31, 2004.

The PRESIDING OFFICER (Mr. TALENT). Will the Senator suggest the nature of the modification?

Mr. REED. The staffs have been collaborating all day. They have reached an agreement. The modifications make it clear that goals will be established with respect to the National Missile Defense Program. The modifications are acceptable to the majority and minority. I believe we have a meeting of the minds on all the details.

Mr. WARNER. The Senator is correct. The modification was reviewed on this side, and we are prepared to accept the amendment.

Mr. REED. I urge acceptance of the amendment at this time.

Mr. LEVIN. Mr. President, I commend the Senator from Rhode Island and all those who worked with him to make this amendment possible. It is a significant contribution to making our missile defense system more effective, both in terms of the cost and operational effectiveness. It fills some very important holes that otherwise would have existed, and it is his tenacity that made it possible.

Mr. WARNER. Mr. President, earlier today, when the amendment was being discussed, I did encourage the Senator from Rhode Island and the Senator from Colorado to see whether or not they could bridge the gap. They have done that.

So I compliment my good friend and fellow member of the Armed Services Committee, as well as the Senator from Colorado. They did a job that will be helpful.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 711), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask for the yeas and nays on the substitute amendment of Senator WARNER.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, as a simple courtesy, I ask for the yeas and nays on the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. It is in order to request the yeas and nays on the underlying first degree amendment.

Is there is a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I thank the Chair. This concludes the matters on the bill.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING CHARLES MICHAEL DURISHIN

Mr. DASCHLE. Mr. President, today I offer my deepest gratitude and sincere congratulations to Charles Michael Durishin, Democratic staff director of the House Veterans' Affairs Committee, on the occasion of his retirement, last Friday. A good friend and a consummate professional, Mike has served in various capacities in Congress since 1973, including most of the last 16 years with the House Veterans' Affairs Committee.

I met Mike in 1972 on the Senate campaign of Jim Abourezk. We were hired within days of each other by Pete Stavrianos, one of my close friends and my longtime chief of staff. Mike and I quickly became friends on the campaign and, after the election, came to Washington together to work on Senator Abourezk's staff. I so respected his work that he was one of the first people I hired to join my own staff when I was elected to the House of Representatives in 1978. Mike worked with me, covering veterans issues, until 1986. At that time, I was a member of the House Veterans' Affairs Committee, and Mike matriculated to the committee staff.